

Respondent contends the Administrative Law Judge erred and exceeded his jurisdiction by awarding temporary total disability benefits on the basis of the opinion of a physician who was not an authorized medical provider. The Appeals Board finds respondent's argument does not raise an issue subject to be heard on appeal from a preliminary order. K.S.A. 1995 Supp. 44-551 limits the Board's jurisdiction to those cases where the party alleges that the administrative law judge exceeded his jurisdiction. K.S.A. 44-534a lists specific issues which are considered jurisdictional. The issue raised by respondent in this case is not one of those issues listed in K.S.A. 44-534a and does not, otherwise, constitute an allegation that the Administrative Law Judge exceeded his jurisdiction.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer dated November 29, 1995, remains in effect as originally entered.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Cynthia J. Patton, Topeka, Kansas
Kip A. Kubin, Overland Park, Kansas
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director